

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20241
Hon. Matthew F. Leitman

v.

DARRELL JOHNSON,

Defendant.

**ORDER DENYING DEFENDANT’S MOTION TO
ALTER OR AMEND JUDGMENT (ECF #136)**

On December 4, 2014, a jury found Defendant Darrell Johnson guilty of being a felon in possession of a firearm. After Johnson exhausted his appeals of that conviction, he filed a motion in this Court to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 (the “Section 2255 Motion”). (*See* ECF #126.) Before the time for Johnson to file a reply brief had expired, the Court denied the Section 2255 Motion by written order dated March 26, 2018. (*See* ECF #134.) Johnson thereafter filed a reply brief. (*See* ECF #135.)

On April 17, 2018, Johnson filed a motion to alter or amend the Court’s March 26 ruling pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (the “Rule 59 Motion”). (*See* ECF #136.) In the Rule 59 Motion, Johnson argues, among other

things, that the Court erred when it denied the Section 2255 Motion before Johnson had filed his reply brief and without reviewing that brief. (*See id.* at Pg. ID 1910.)

The Court has now carefully reviewed Johnson's reply brief. Nothing in that brief persuades the Court that it erred when it denied the Section 2255 motion. Indeed, even if the Court had considered that reply before it entered the March 29 order denying the Section 2255 Motion, it would have reached the exact same result.

The Court has also carefully reviewed the other arguments Johnson has raised in the Rule 59 Motion and concludes that Johnson has not established an entitlement to relief. "A court may grant a Rule 59(e) motion to alter or amend if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005). Johnson has not shown that any of those circumstances exist here.

Accordingly, for all of the reasons stated above, **IT IS HEREBY ORDERED** that the Rule 59 Motion (ECF #136) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 19, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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